

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 878 of 2020**

- Kamla Bai W/o Mohar Baghel Aged About 52 Years R/o- Vicharpurkapa, Police Station- Takhatpur, District- Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Takhatpur, District- Bilaspur, Chhattisgarh

---- Respondent

For Applicant/s	:	Mr. Suryakant Mishra, Advocate.
For State	:	Mr. Gagan Tiwari, Dy. G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****27/08/2020**

Heard.

1. The applicant has moved this application for grant of bail as she is arrested in connection with Crime No.293/2019 registered at Police Station- Takhatpur, District- Bilaspur, C.G. for the alleged commission of offence under Section 302 of IPC.
2. Prosecution case is that the applicant was on inimical terms with her mother-deceased in connection with property dispute and on the date of incident when the applicant went to meet her mother, there was a quarrel and the applicant murdered her mother and locked the house from outside.
3. Learned counsel for the applicant submits that against the applicant, there is no clinching circumstantial evidence to connect her with alleged commission of offence. He would submit that the allegation that the applicant assaulted her mother and killed her, is based only on motive and so-called recovery of a key from an open place near the house of the deceased, which does not connect her with the alleged commission of offence because the prosecution has not come out with any evidence that the key was found to be of that lock which was found at the door of the deceased and there is no *Panchnama* prepared much less proved by the prosecution to this effect. He would further submit

that in any case, witnesses of seizure and memorandum have not supported the case of the prosecution. He would submit that the trial is being delayed because even though entire trial is complete and even if statement has also taken, further proceedings have not been drawn and the applicant was languishing in jail until she was granted temporary bail.

4. On the other hand, learned State Counsel opposes and submits that even though there is no eye-witness, there is strong motive against the present applicant that she was having a dispute over property. Even though, according to memorandum and seizure, the key of the lock which was found at the door of the deceased was recovered at the instance of the present applicant and even if witnesses of memorandum have not supported the prosecution case, the evidence of Investigating Officer cannot be ignored at this stage and it is a matter of appreciation of evidence during trial. He would further submit that the trial is at the verge of conclusion.
5. The involvement of the applicant, who is the daughter of the deceased is based on prosecution story contained in the memorandum statement of the applicant. Apart from motive, the other evidence is recovery of a key which is said to be of the lock found at the door of the deceased. However, it appears that the memorandum witnesses have not supported the prosecution case and turned hostile. Moreover, there is considerable force in the submission of learned counsel for the applicant that in the absence of further evidence that the key was of the same lock which was found at the door of the deceased, it would not connect the applicant with the said commission of offence. Moreover, key has been found from an open place near the house of the deceased. This Court has already released the applicant on temporary bail and there is nothing to show that applicant has misused the temporary bail. Considering the aforesaid aspects of the matter, I am inclined to confirm the temporary bail granted to the applicant with the same terms and conditions, on which, she has already been released. The order of the temporary bail shall merge with this order of grant of regular bail to the applicant. Applicant will not be required to furnish fresh bail bonds.
6. The bail application is accordingly allowed.

Sd/-

(Manindra Mohan Shrivastava)
Judge